

APPEAL NO. 031011
FILED MAY 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 26, 2003. The hearing officer decided that the appellant (claimant) did not sustain a compensable repetitive trauma injury; that the respondent (carrier) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001; that the date of injury is _____; and that because the claimant did not have a compensable injury, the claimant did not have disability resulting from the claimed injury. The claimant has appealed on factual sufficiency grounds, arguing that the hearing officer erred in finding that she did not have a repetitive trauma injury; that she did not timely notify her employer of the injury; and in finding that the date of injury is _____. The carrier has responded and urges affirmance.

DECISION

Affirmed.

The issues of date of injury, disability, and whether the claimant's work activities were sufficiently repetitive to cause a compensable injury were factual determinations for the hearing officer to resolve. It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer found against the claimant on these disputed issues and the medical evidence supports such findings. Nothing in our review of the record indicates that the hearing officer's decision requires reversal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Since the hearing officer found that there was no compensable injury, there is no disability.

The hearing officer did not err in determining that the claimant failed to timely notify her employer of an injury in accordance with Section 409.001. We have affirmed the hearing officer's determination that the date of injury was _____. The parties stipulated that the claimant reported her injury on October 8, 2002, making her report of injury clearly untimely under Section 409.001.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge